IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 287/2006
(Jabbar Lal & Ors. Vs. State of Rajasthan & Anr.)

Date of Order : 08/09/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

None present for the petitioners.
Mr. Ashok Upadhyay, public prosecutor.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioners have challenged the order dated 18.10.2005 passed by Judicial Magistrate (First Class) No.5, Jodhpur (for short 'the trial court' hereinafter), whereby the trial court took the cognizance of the offences under Sections 447 and 323 IPC against the petitioners and issued the process.

I have carefully gone through the order impugned.

On a complaint filed by non-petitioner No.2 Madanlal, the matter was sent by the trial court for investigation under Section 156 (3) Cr.P.C. The matter was investigated. The statements of witnesses were recorded. On the basis of the material placed before the trial court, the trial court prima-facie came to the conclusion that the offences under Sections 447 and

323 r/w Section 34 IPC are prima-facie made out and there is prima-facie ground to proceed against the petitioners. Accordingly the trial court took the cognizance of the offences against the petitioners. I do not find any ground to interfere with the order impugned.

The petition is therefore, dismissed. Stay petition also stands dismissed.

(H.R.PANWAR),J.

rp